



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, APRIL 27, 2016

Members present: Patrick Dwyer, Tony Pellegrino, Richard Conescu, Lynn Christensen, and Alternate Leonard Worster.

Member absent: Fran L'Heureux.

Staff present: Assistant Planner Robert Price and Recording Secretary Zina Jordan.

1. Call to Order

Patrick Dwyer called the meeting to order at 7:00 p.m. and designated Leonard Worster to sit for Fran L'Heureux.

2. Roll Call

Tony Pellegrino led the pledge of allegiance. Richard Conescu read the preamble. Lynn Christensen swore in members of the public who would be testifying.

- 3. Bernstein, Shur, Sawyer & Nelson, PA. (petitioner) and 427 DW Highway, LLC. (owner)** - Variance under Section 3.02 to permit the creation of a third dwelling unit in an existing detached garage on a property with 15,200 square feet whereas 120,000 square feet is required. The parcel is located at 427 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lot 76. Case #2016-011. **This agenda item is continued from the February 24, 2016 and March 30, 2016 meetings.**

Applicant was represented by: Attorneys Gregory Michael and Michael Klass, Bernstein Shur.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Lynn Christensen and seconded by Richard Conescu.

- 4. 17 Outlets, LLC. (petitioner/owner)** - Variance under Section 2.02.4 of the Zoning Ordinance to permit a retail use in an Industrial-2 (I-2) District. The parcel is located at 17 Premium Outlets Boulevard in the I-2 (Industrial), and Aquifer Conservation Districts, and Wellhead Protection Area. Tax Map 3C, Lot 191-03. Case # 2016-18.

Applicant was represented by: Christopher Csendes, Architect, 17 Outlets, LLC.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, on a motion made by Richard Conescu and seconded by Lynn Christensen.

- 5. Jessica Lott (petitioner) and Timothy Lott (owner)** - Variance under Section 3.02 of the Zoning Ordinance to permit the construction of an enclosed porch within 23.50 feet of the front property line whereas 30 feet is required. The parcel is located at 17 Miriam Road in the R (Residential) District. Tax Map 6A-2, Lot 042. Case # 2016-19.

Applicant was represented by: Jessica Lott, 17 Miriam Road.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, on a motion made by Tony Pellegrino and seconded by Lynn Christensen.

- 6. Joshua Naughton, Trustee (applicant) for 53 Pearson Street Realty Trust (owner)** - Equitable Waiver of Dimensional Requirements under Section 2.02.7(A)(4) of the Zoning Ordinance to permit a 4 foot encroachment of front stairs and porch in the 40 foot wetland setback. The parcel is located at 53 Pearson Road in the R (Residential) and Wetlands Conservation Districts. Tax Map 7D, Lot 011-01. Case # 2016-20.

Applicant was represented by Jeffrey Burd, Engineering Agent, RJP.

There was no public comment.

The Board voted 4-0-1 to grant the Equitable Waiver, on a motion made by Lynn Christensen and seconded by Richard Conescu. Richard Conescu abstained.

- 7. Discussion/possible action regarding other items of concern**

Discussion only.

- 8. Approval of Minutes - March 30, 2016**

The minutes of March 30, 2016, were approved as submitted, by a vote of 5-0-0, on a motion made by Lynn Christensen and seconded by Lenny Worster.

- 9. Adjourn**

The meeting adjourned at 8:37 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Richard Conescu.